

Component 8: Enforcement

A. If a landowner refuses to respond appropriately to a Notice under 6.B., or is in breach of a cost share contract under component 7.A., then prepare and issue "Notice of NR 151 Violation" letter, or other appropriate notice per local ordinance, pursuant to NR 151.09(5) or (6), or 151.095(6) or (7).

Note: Enforcement, which really first begins with this letter, will be pursued in circumstances where: (a) there is a breach of contractual agreement including failing to install, implement or maintain BMP's according to the provisions of the agreement OR the landowner has failed to comply with a notice issued under component 6.B, AND (b) non-regulatory attempts to resolve the situation have failed.

Question 14: Will your County prepare and issue a "Notice of NR 151 Violation" or other similar notice per local ordinance?

12 Yes	16 No	13 Only Assist State as Needed	20 Unsure
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County	If "Yes", will this be done under the provisions of NR 151 or the provision of a local ordinance? Please describe.
Columbia	Not determined at this time.
Dodge	(Answered "No", but offered this comment) Yes – only for enforcement of our county's manure storage ordinance
Door	To be determined.
Kewaunee	Those having to do with manure management we could get through out manure storage ordinance.
Manitowoc	Most likely under local ordinance.
Oconto	For all animal runoff or manure storage structures new or abandoned or the "Four Prohibitions" enforcement will be through our "AG Waste Ordinance" and NR 151. Parcels exceeding "T" will be notified through NR 151 provisions.
Outagamie	(Answered "Only Assist State As Needed") We have a concern about any local ordinance because we shouldn't need them with the State law and it seems that any action to develop a stronger ordinance by counties will not be supported by the State. This will have to be worked out if this is to work. We might be convinced to do this as we feel it is something that does need to be done but we have lots of questions on this area and we are very skeptical if there will be real follow-through.
Pepin	It depends if the violation is under local ordinance or NR 151.
Polk	Local ordinance as related to animal waste and the prohibitions, may develop erosion control ordinance in the future.
St. Croix	The county will not develop or create the forms or documents. The LWCD will participate in filling out the document with a joint signature with the DNR.
Trempealeau	We will enforce our local ordinances.
Washburn	(Survey highlighted under the provisions of NR 151 ; no other comments.)
Washington	(Answered "Only Assist State As Needed") Since we do not have an ordinance in place to enforce the new standards and prohibitions, the county will co-sign a notice of violation letter that comes from the DNR, provided the DNR is serious and will pursue enforcement until compliance is obtained. If and when the county establishes a local ordinance, the county will issue its own violation letter, which will meet NR 151 requirements.
Winnebago	It will be conducted under both provisions, depending upon the applicability of the situation.

County	If "No" or "Unsure", please describe why.
Adams	We do not want to be an enforcement agency
Ashland, Bayfield, Douglas, Iron	Need more info to answer fully
Brown	Brown County will implement state standards that are consistent with existing County Ordinances: Animal Waste Management, Agriculture Shore land Management, Floodplains and Shore lands ordinance provisions related to Buffer Strips. All other work needed to conform to state standards will be conditional upon receiving staff funding from State of Wisconsin unless it is located in an active Priority Watershed Project(with staffing and cost share provided by state) and is an eligible practice.
Buffalo	We will not issue a "Notice of NR 151 Violation". We will follow the guidelines of our local ordinances if we are named the enforcement unit and we will continue to issue the "Notice of Non-compliance" for conservation compliance for the Farmland Preservation Program as we have in the past.
Burnett	(Checked both "Unsure" and "Only Assist State as Needed"; counted as "Unsure" per comments. Confusing question-we prefer using 151. Would be best to do it together.
Calumet	Again, this depends on whether or not the County incorporates the Standards and Prohibitions into county ordinance. If it is incorporated into our ordinances, we will issue a notice. If not, we will assist the State as necessary and to a degree to be decided by our Corporation Counsel and County Administration and staffing resources. Refer to the answer to question 17. (Q 17: Calumet County is not ready to make the decision whether to incorporate the Standards and Prohibitions into our County ordinances. We recently formed a citizen based Livestock Advisory Task Force to look at issues related to livestock operations within the County and to make recommendations for addressing them. The Task Force is just starting to study the issues and will not release their recommendations until a year or so from now. We will revisit this question then.)
Chippewa	State responsibility
Clark	Local ordinances may not satisfy NR 151 requirements.
Crawford	(Checked both "Yes" and "Unsure"; counted as "Unsure" per comments.) If County is willing to give "citation powers to the LCD
Dane	We have not advanced to that level of understanding of the obligations, as they will impact our means, capabilities and priorities
Dodge	We feel that because the NR151 Violation Notice is a state document related to a state administrative rule, that it is the DNR's responsibility to enforce these state rules.
Dunn	(Answered "Only Assist State As Needed") Currently we only have a Manure Management Ordinance. It does however cover the four animal waste prohibitions. We intend on enforcing these provisions. We do not have the staff to provide adequate enforcement of the state performance standards unless the state provides additional money for staff.
Eau Claire	Resolve issues as previously stated plus this is entirely dependant upon if the County agrees to implement this.
Fond du Lac	Violations of state standards will be forwarded to DNR for action. Local ordinance will be enforced by the county staff.
Grant	(E-file response "Only Assist State As Needed" is the counted response; hard copy survey checked "No.") In my opinion, enforcement should be done by DNR. Not looking to adopt any other local ordinances besides the Ag Waste one we have now. However, would like to be at the table in violation cases for informational reasons. (e-file) Do not want to become an enforcement agency – DNR can do that. (hard copy)
Green	(Answered "Only Assist State As Needed") We do not need more ordinances at this time
Iowa	Absolutely – Not
Jefferson	If the funding for staff to do so is available.

Kenosha	Kenosha County will enforce violations to County adopted ordinances. There are no immediate plans to create new county regulations that apply to NR151 compliance.
Lafayette	(Answered "Only Assist State As Needed") Depends on staff and funding.
Langlade	(Did not answer, but comments indicate a strong "No") Something the county can't do because of lack of funding and staff
Marathon	We don't see ourselves issuing this notice. We expect no help from a District Attorneys office in these cases and therefore need to depend on the state.
Portage	Would work better if the State issues the Notification so as not to jeopardize a future working relationship with landowner
Racine	Depends on decision from our Corp. Counsel
Richland	The county will not have local ordinances. The enforcement will have to come from DNR
Rock	Once again, DNR should take charge in regards to any issuance of Violation, notice of Discharge, etc.
Rusk	Unsure due to unknown state involvement to this point.
Sauk	Is state role.
Sheboygan	This would be DNR's responsibility
Taylor	We believe this component/step should be the responsibility of DNR/DATCP.
Vernon	(Answered "Only Assist State As Needed") A decision we'll need to make with the committee
Vilas	I'd need to investigate this further with our Corporate Counsel and our Land and Water Conservation Committee.
Walworth	See Q. 10 for Reasons (Q 10:Unsure due to financial commitment and staffing and legal support on a county level.)
Waukesha	It depends on the availability of grant funds, how the DNR working agreements are structured and other options available. This will be discussed during the LWRM plan updates (2005).
Waupaca	Waupaca County is not willing or able (time) to litigate agricultural producers
Waushara	(Did not check a response; counted as "Unsure" per comments. Same answers as previous questions. I do not know if Waushara County will do or be part of enforcement action. Historically – no.
Wood	Need more information to make decision.

B. Schedule enforcement conference.

Question 15: Will your County schedule an enforcement conference?

10 Yes	8 No	21 Only Assist State as Needed	22 Unsure
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County	If "No" or "Unsure", please describe why.
Adams	Do not have staff support for enforcement issues. Will participate to provide technical and cost-share assistance.
Ashland, Bayfield, Douglas, Iron	Need more info to answer fully.
Brown	Brown County will implement state standards that are consistent with existing County Ordinances: Animal Waste Management, Agriculture Shore land Management, Floodplains and Shore lands ordinance provisions related to Buffer Strips. All other work needed to conform to state standards will be conditional upon receiving staff funding from State of Wisconsin unless it is located in an active Priority Watershed Project(with staffing and cost share provided by state) and is an eligible practice.
Burnett	(Checked both Unsure and Only Assist State as Needed; counted as Unsure based on comment). We are willing to work cooperatively on this, could do schedule conference but depends on how it 's established.
Dodge	We would be willing to participate as an information provider at an enforcement conference
Eau Claire	Please refer to previous answers [Resolve issues as previously stated plus this is entirely dependant upon if the County agrees to implement this.]
Fond du Lac	Only upon the landowner's request.
Grant	(E-file and hard copy responses both checked "Only Assist State As Needed") Would be willing to schedule a time and place, then would like to be at the table as advisory or for informational purposes only. (e-file comments; no hard copy comments)
Green	(Answered "Only Assist State As Needed") Only if the state asks will I set up a place and time to meet
Iowa	May be willing to assist if staff is available.
Jefferson	Funds and Staff
Kenosha	Kenosha County will enforce violations to County adopted ordinances. There are no immediate plans to create new county regulations that apply to NR151 compliance
Langlade	(Did not answer, but comments indicate a strong No). Something the county can't do because of lack of funding and staff
Outagamie	(Answered "Only Assist State As Needed") We were unsure of this question. We perhaps read more into it that to just "schedule" a conference. We would be willing to assist in some ways but would prefer to be identified as a local source for technical and/or funding information.
Portage	Would work better if the State does the scheduling so as not to jeopardize a future working relationship with landowner.
Racine	Depends on decision from Corp. Counsel.
Richland	(Answered "Only Assist State As Needed") Depends on staff time and availability
Rock	DNR will need to take lead on this issue, Rock County staff is willing to sit at the table during the discussions.
Rusk	It depends on how the state plans to proceed.

St. Croix	(Answered "Only Assist State As Needed") If landowner is found to be out of compliance the LWCD will notify the DNR and the DNR can set up the enforcement conference with the LWCD participating in the meeting!
Trempealeau	If required through local ordinance we shall conduct enforcement conferences. If the enforcement conference is required through state statutes if the state takes enforcement action not required through local ordinance, we shall attend.
Vilas	I'd need to investigate this further with our Corporate Counsel and our Land and Water Conservation Committee
Walworth	Go to Q. 10 [Q 10Unsure due to financial commitment and staffing and legal support on a county level.]
Washburn	With who?
Washington	We are unsure since we do not have an ordinance in place to enforce the new standards and prohibitions, and do not know if and when we will. In the mean time, we will assist the DNR but only if they are serious. If we were to develop an ordinance, we will schedule enforcement meetings and invite the DNR.
Waukesha	Depends on the role that we have agreed to. May rely on DNR to do this step.
Waupaca	Being involved in enforcement reduces the effectiveness of the LWCD and compromises our working relationship with the agricultural community
Waushara	(Checked both "No" and "Unsure"; counted as "Unsure" based on comment. See answer to previous question [Given the current political climate, I do not believe Waushara County will employ these tactics. I am not sure if the County will authorize us taking regulatory steps. Traditionally, this was done by DNR.]

C. Participate in enforcement conference.

Question 16: Will your County participate in an enforcement conference

35 Yes*	2 No	24 Unsure**
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County	If "No" or "Unsure", please describe why.
Adams	(Answered "Yes") To provide technical, education, and cost-share assistance only.
Ashland, Bayfield, Douglas, Iron	Need more info to answer fully.
Brown	Brown County will implement state standards that are consistent with existing County Ordinances: Animal Waste Management, Agriculture Shore land Management, Floodplains and Shore lands ordinance provisions related to Buffer Strips. All other work needed to conform to state standards will be conditional upon receiving staff funding from State of Wisconsin unless it is located in an active Priority Watershed Project(with staffing and cost share provided by state) and is an eligible practice.
Buffalo	(Answered "Yes") Yes, only to the extent that we could provide information relevant to the conference.
Clark	Will not take lead on this.
Dunn	We will probably assist the state, however if the bureaucracy becomes too time consuming then we would prefer to spend that time performing our traditional functions.
Eau Claire	See previous response (Resolve issues as previously stated plus this is entirely dependant upon if the County agrees to implement this.)

Fond du Lac	Only on the landowners request.
Grant	(E-file and hard copy responses both check Yes) Would like to be at the table for informational/awareness purposes only (e-file) For informational purposes only. (Hard copy)
Green	If requested by landowner.
Iowa	May participate in an effort to add value if staff is available. (e-file and hard copy)
Jefferson	Funds and staff.
Kenosha	Kenosha County will enforce violations to County adopted ordinances. There are no immediate plans to create new county regulations that apply to NR151 compliance.
Langlade	(Did not answer, but comments indicate a strong No). Something the county can't do because of lack of funding and staff
Outagamie	(Answered "Yes") We would need to have our role identified before such a conference!
Racine	Depends on recommendations from our Corp. Counsel.
Richland	Depends on staff time and budget
Rusk	It depends on what role the LWCD takes.
Vilas	I'd need to investigate this further with our Corporate Counsel and our Land and Water Conservation Committee.
Walworth	If requested, possibly.
Waukesha	If we are in agreement with the enforcement action and if the landowner wants us there (under DNR enforcement).
Waushara	See response to previous question (Given the current political climate, I do not believe Waushara County will employ these tactics. I am not sure if the County will authorize us taking regulatory steps. Traditionally, this was done by DNR)
Waupaca	That was not a problem with NR 243 but we would have to see the format before committing to participate.

* Price County checked "Unsure" on e-file and "No" and "Unsure" on hard copy (counted as "Unsure")

** Taylor County wrote "Only Assist State As Needed" (not an option); counted as "Yes")

D. Initiate enforcement action:

1. Refer cases to DNR for enforcement
2. Enforce through separate county ordinance, which incorporates standards.
3. Enforce through financial sanctions available through State program (e.g. FPP).
4. Enforcement through the local District Attorney

Question 17: Will your County initiate enforcement action?

18 Yes	7 No	14 Only Assist State As Needed	22 Unsure
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County	If "Yes", please describe which enforcement actions your county will likely pursue.
Adams	Refer cases to DNR for enforcement.
Dodge	(Answered "No", changed to "Yes" based on comments) We would enforce our county's manure storage ordinance, and we would also issue notices of noncompliance for Farmland Preservation. All non-compliant cases will also be referred to DNR for any other state enforcement action.

Door	We are in the very early stages of writing a County Ordinance
Dunn	(Answered "Only Assist State As Needed") We will continue to enforce the Manure Management Ordinance, FPP and monitor Best Management Practices for practices installed with state cost share dollars. We do not have adequate staff to take on additional enforcement activities.
Fond du Lac	(No answer checked; chose "Yes" based on comment) Only after we have tried to work with the landowner on a voluntary basis. Blatant violations will be referred to DNR
Iowa	(Answered "No", changed to "Yes" based on comments) County will refer non-compliance to State for enforcement.
Manitowoc	Those items in ordinance.
Marathon	Refer cases to DNR. Enforce animal waste ordinance and FPP
Marinette	Refer cases to DNR for enforcement of violations of NR151 and violations of our Manure Storage Facility Ordinance (we are working on a revision).
Oconto	Joint effort with DNR on NR151, on violation of AG Waste Ordinance on our own
Outagamie	Our first choice would be to refer cases to DNR for enforcement but we are not confident, from past experience, that the State will do a good job in this very important area. We question the need for a separate county ordinance, seem redundant. Will the county have control over State financial sanctions and will other financial programs by the Feds undermine State sanctions? This issue has not been discussed with the DA. This is an important but touchy subject!!!
Pepin	If the violation occurs under County ordinance we must. Violations of NR 151 may need the state involvement.
Polk	All four listed above.
Portage	(Answered "Only Assist State As Needed") Will refer the case to DNR.
Richland	(Answered "No"; changed to "Yes" based on comment) Refer cases to DNR for enforcement
Sauk	Refer to DNR and financial sanctions through FPP.
Trempealeau	We will enforce the conditions of our local ordinances and /or state statutes when statutes specify a county responsibility.
Waupaca	We will only enforce our ordinance
Winnebago	All, however, we will rely first on the least 'heavy handed' methods.

County	If "No" or "Unsure", why
Ashland, Bayfield, Douglas, Iron	Financial sanctions through FPP are negligible!
Brown	Brown County will implement state standards that are consistent with existing County Ordinances: Animal Waste Management, Agriculture Shore land Management, Floodplains and Shore lands ordinance provisions related to Buffer Strips. All other work needed to conform to state standards will be conditional upon receiving staff funding from State of Wisconsin unless it is located in an active Priority Watershed Project(with staffing and cost share provided by state) and is an eligible practice.
Calumet	Calumet County is not ready to make the decision whether to incorporate the standards and prohibitions into our county ordinances. We recently formed a citizen-based livestock advisory task force to look at issues related to livestock operations within the county and to make recommendations for addressing them. The task force is just starting to study the issues and will not release their recommendations until a year or so from now. We will revisit this question then.
Columbia	Not determined

Crawford	Only if County will give "citation" authority to LCD
Dane	We have not progressed in the process sufficiently to answer this question.
Eau Claire	See above. (Resolve issues as previously stated plus this is entirely dependant upon if the County agrees to implement this.)
Grant	Really do not feel we want to be in the business of enforcement...let that up to DNR. (e-file) No enforcement (hard copy)
Green	DNR can enforce
Green Lake	We would like to have further discussions with this topic.
Jefferson	Staff and funds available to do so!
Kenosha	Kenosha County will enforce violations to County adopted ordinances. There is no immediate plans to create new county regulations that apply to NR151 compliance.
Kewaunee	We need to know more about how the process would unfold.
Lafayette	We would address "county only" enforcement.
Langlade	Something the county can't do because of lack of funding and staff
Racine	Depends on workload and decision from Corp. Counsel.
Rock	Rock County is willing to facilitate the first three components, not the "enforcement through the local DA"
Rusk	It depends on LWC Committee commitment to the process.
St. Croix	(Answered "Only Assist State As Needed") With assistance and involvement from DNR.
Sheboygan	Because DNR will issue the initial enforcement action, the County would not be in a position to initiate further action.
Vilas	I'd need to investigate this further with our Corporate Counsel and our Land and Water Conservation Committee.
Walworth	I cannot answer for the district attorney (1 st hard copy) Depends on district attorney (2 nd hard copy)
Washington	We are unsure since we do not have an ordinance in place, or if and when we will. In the mean time, we will refer cases to the DNR provided the are committed to following through. (Note: If we follow this strategy, by this stage the DNR should be well informed and involved anyway.) If we were to develop an ordinance, we will schedule enforcement meetings and invite the DNR
Waukesha	It depends on the availability of grant funds, how the DNR working agreements are structured and other options available. This will be discussed during the LWRM plan updates (2005).
Waushara	See previous answer. (Given the current political climate, I do not believe Waushara County will employ these tactics. I am not sure if the County will authorize us taking regulatory steps. Traditionally, this was done by DNR.)
Wood	Will need more information to make decision.

LaCrosse Co.: No submission. New county structure; uncertain how will proceed

Lincoln Co.: No submission, but sent letter. Does not want to commit without additional information about state commitment and funding.

Menomonee Co.: Does not see need for ag performance standards (300 ac. classified as ag use; 0% soil erosion rate.

Pierce Co.: No submission, but sent letter. LCC not able to commit to implementation activities but willing to discuss future role.